

## **RECORD OF PROCEEDINGS**

---

<b>CALL TO ORDER</b>	A regular meeting of the Council Bluffs City Council was called to order by Mayor Thomas P. Hanafan at 7:00 p.m. on Monday, April 28, 2008.
<b>ATTENDANCE</b>	Council Members present: Darren Bates, Scott Belt, Lynne Branigan, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Marcia L. Worden, Deputy City Clerk.
<b>CONSENT AGENDA</b>	Walsh and Bates moved and seconded approval of the Consent Agenda. Unanimous.
<b>MAYOR'S PROCLAMATION</b>	Mayor Hanafan read and presented a proclamation declaring May 2008 as National Preservation Month to Mr. Cal Peterson.
<b>PUBLIC HEARINGS</b> Resolution 08-116 Resolution 08-117 Resolution 08-118	Schultz and Bates moved and seconded the continuance of three Public Hearings to May 12, 2008 at 7:00 p.m., Resolution 08-116, authorizing disposal of certain City property by granting a perpetual fiber optic cable easement to MidAmerican Energy; Resolution 08-117, authorizing disposal of certain City property by granting a perpetual electric and communication easement to MidAmerican Energy; and Resolution 08-118, authorizing disposal of certain City property by granting a perpetual construction and access easement to Southwest Iowa Renewable Energy LLC. Unanimous.
<b>Resolution 08-119</b>	Held Public Hearing regarding Resolution 08-119, granting final plat approval for Legacy Family Campus Subdivision, Phase II. Walsh and Belt moved and seconded approval of Resolution 08-119. Unanimous.
<b>Resolution 08-120</b>	Held Public Hearing regarding Resolution 08-120, authorizing disposal of certain utility easement rights north of Avenue G and south of Avenue J between North 14 <sup>th</sup> and North 15 <sup>th</sup> Streets. Belt and Walsh moved and seconded approval of Resolution 08-120. Unanimous.
<b>Resolution 08-121</b>	Held Public Hearing regarding Resolution 08-121, authorizing disposal of City property legally described as the north 39' of the east 10' of Lot 8 and the north 39' of Lot 9, Block 15, William's First Addition. Walsh and Belt moved and seconded approval of Resolution 08-121 noting \$2,590.00 as the purchase price. Unanimous.
<b>ORDINANCE ON SECOND READING</b> Ordinance 5995	Branigan and Schultz moved and seconded approval of Ordinance 5995, amending Title 13 entitled "Buildings and Construction"; Chapter 13.21 entitled "Property Maintenance Code" by adding Section 13.21.068 entitled "Extermination". Heard from Don Angeroth, 10 Stubblefield Drive, in favor of the amendment. Unanimous.
<b>ORDINANCES ON FIRST READING</b> Ordinance 5996	Walsh and Branigan moved and seconded introduction of Ordinance 5996, amending Chapter 1.10 "Administration and Personnel", by repealing and reenacting Section 1.10.020 "Compensation of Mayor". Belt and Walsh moved and seconded an amendment to the Ordinance by increasing the Mayor's compensation to \$93,369.00 beginning Jan. 1, 2010 and capping the annual adjustment rate to no higher than 3.5%. VOICE VOTE: 3 Aye; 2 Nay (Bates, Schultz). Vote on Ordinance as amended. VOICE VOTE: 3 Aye; 2 Nay (Bates, Schultz).

## **RECORD OF PROCEEDINGS**

---

- Ordinance 5997** Belt and Schultz moved and seconded introduction of Ordinance 5997, setting a Public Hearing for May 12, 2008 at 7:00 p.m., to consider amending the zoning map, by changing the district designation of certain grounds located along 5<sup>th</sup> Avenue east and west of South 21<sup>st</sup> Street, from its present designation as C-1/Commercial to R-2/Two Family Residential. Unanimous.
- Ordinance 5998** Walsh and Schultz moved and seconded the denial of Ordinance 5998, considering the amendment of Chapter 17.09 "Inspections", by amending Section 17.09.020 "Landlord and operators of rental property to register with city" to waive rental registration fees for property managed through the Municipal Housing Agency of Council Bluffs. Heard from Don Angerth, 10 Stubblefield Drive and Rob Stevens, Municipal Housing Director, 505 South Sixth Street in favor of the amendment. Unanimous vote on denial of Ordinance 5998. Council Member Belt requested copies of the inspection policies currently used by Section 8, HUD and the City of Council Bluffs.
- RESOLUTIONS:**  
**Resolution 08-108** Belt and Walsh moved and seconded approval of Resolution 08-108, authorizing the Mayor and City Clerk to execute an agreement with HDR Engineering, Inc., for engineering services in connection with the traffic signal systems evaluation and programming. Unanimous.
- Resolution 08-122** Belt and Branigan moved and seconded approval of Resolution 08-122, authorizing the Mayor and City Clerk to execute an agreement with Leazenby Construction, Inc. for the Broadway Streetscape – Phase I, also called Downtown Streetscape – Phase VII (Broadway). Unanimous.
- Resolution 08-123** Belt and Walsh moved and seconded approval of Resolution 08-123, directing the City Clerk to certify Solid Waste Nuisance Assessments to the Pottawattamie County Treasurer to be collected in the same manner as a property tax. Unanimous.
- Resolution 08-124** Belt and Branigan moved and seconded approval of Resolution 08-124, directing the City Clerk to certify Weed Assessments to the Pottawattamie County Treasurer to be collected in the same manner as a property tax. Unanimous.
- Resolution 08-125**  
**Resolution 08-126**  
**Resolution 08-127** Belt and Branigan moved and seconded approval of the following Resolutions imposing penalties against: MJ's Pizza & Brews, referencing Resolution 08-125; The Longest Yard Sports Bar & Grill, referencing Resolution 08-126; and The Spillway Bar & Grill, referencing Resolution 08-127, for violations of Iowa Code, Chapter 123 and/or Council Bluffs Municipal Code Section 3.08.190, for selling, dispensing, giving or otherwise supplying alcohol to a minor under the age of twenty-one. Unanimous.
- Resolution 08-128**  
**Resolution 08-129**  
**Resolution 08-130** Belt and Branigan moved and seconded approval of the following Resolutions authorizing the Mayor to execute an Order Accepting the Acknowledgement/Settlement Agreement of Resolution 08-128, Scott Street Pub; Resolution 08-129, Travel Centers of America, Inc.; and Resolution 08-130, Mario's Bar and Laundry, for cigarette violations of Iowa Code Section 453A.2 (1).  
VOICE VOTE: 4 Aye; 1 Abstention (Schultz).

## **RECORD OF PROCEEDINGS**

---

- Resolution 08-131** Walsh and Branigan moved and seconded approval of Resolution 08-131, authorizing the Mayor and City Clerk to execute an agreement with Collins Properties, Inc. for the Mid-City Trail Grading, Phase I Project. Unanimous.
- Resolution 08-132** Belt and Bates moved and seconded approval of Resolution 08-132, accepting the work of Metro Crossing LLC in connection with the Metro Crossing Development Agreement. Unanimous.
- Resolution 08-133** Schultz and Branigan moved and seconded approval of Resolution 08-133, authorizing the Mayor to execute a service agreement between the City of Council Bluffs and the Council Bluffs Area Chamber of Commerce. Unanimous.
- Resolution 08-134** Belt and Walsh moved and seconded approval of Resolution 08-134, setting dates of a consultation and a Public Hearing for June 9, 2008 at 7:00 p.m. on proposed Amendment No. 1 for the Old Airport Urban Renewal Plan. Unanimous.
- Resolution 08-135** Belt and Walsh moved and seconded approval of Resolution 08-135, directing the advertisement for sale of \$7,615,000 General Obligation Bonds, Series 2008, and approving the electronic facsimile bidding procedures. Unanimous.
- Resolution 08-136** Schultz and Belt moved and seconded approval of Resolution 08-136, accepting the completion of the Bayliss Park Project and directing the Interim Director of Finance to release the balance to finish, including retainage of \$162,769.00 in 30 days. Unanimous.
- Resolution 08-137** Walsh and Belt moved and seconded approval of Resolution 08-137, granting construction and access easement to the Board of Water Works Trustees. Unanimous.

### **RECEIVE AND FILE ITEMS**

Belt and Walsh moved and seconded approval of Receive and File Items 10A – 10C. Unanimous.

### **APPLICATIONS FOR PERMITS & CANCELLATIONS**

Belt and Bates moved and seconded approval of permit applications for Item 11A. Salvage Yard License Application for Cox Contracting Co., Inc.; Item 11B. Special Event Application for Celebrate CB Parade and Weekly Events (May 9 thru May 17, 2008) and Item 11C. Special Event Application for Carnival Rides by Blues Amusements in conjunction with Celebrate CB (May 15 thru May 17, 2008).  
VOICE VOTE: 4 Aye; 1 Abstention (Branigan).

Council Member Walsh posed a question to City Attorney Wade concerning citizen's arrest. Walsh mentioned failure to stop and speeding violations on Skyline Drive were dangerous and at times life threatening; Walsh wanted to know if citizens had any authority making a citizen's arrest. Wade indicated making a citizen's arrest on stop sign violations could be done and would take multiple witnesses, known identity of individual, make of car and license plate number; an affidavit would then need to be completed and filed with the City Attorney's Office.

Council Member Walsh invited citizens to gather at Bayliss Park on Saturday, May 3, 2008 from 9 a.m. to 3 p.m. for Chipper's Spring Adventure; meet "Chipper" the Black Squirrel mascot for Council Bluffs.

## **RECORD OF PROCEEDINGS**

---

Council Member Branigan reminded everyone of the upcoming Celebrate CB Events, May 9 – May 17, 2008. Friday, May 9<sup>th</sup> begins the celebration with a Mayor's Proclamation announcing the Grand Marshal and lighting of the Bayliss Park Fountain, Carnival rides begin Thursday, May 15<sup>th</sup>, with the parade on Saturday, May 17<sup>th</sup>, followed by a newly expanded children's activities program for Saturday afternoon.

### **ADJOURNMENT**

Belt and Branigan moved and seconded adjournment at 7:42 p.m. Unanimous.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden, Deputy City Clerk